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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,823	02/25/2002	Hiroaki Suzuki	50083-215	3630

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McDermott, Will & Emery
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

HO, TUAN V

ART UNIT	PAPER NUMBER
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2622

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/081,823

Applicant(s)

SUZUKI, HIROAKI

Examiner

Tuan V. Ho

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19/29/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/29/07 has been entered.

2. Applicant's arguments filed 10/29/07 have been fully considered but they are not persuasive.

With regard to claim 43 and 44, Applicants argue that "As claimed, the user input information relates to "conversion of image data from the camera to produce a desired image," and the converting/sending means actually converts the image data according to the user input information so as to enable the external apparatus or device to form the desired image", page 6, paragraph 2. In response to the arguments, the examiner noted that Fukuoka discloses in col. 6, lines 38-56 and col. 7, lines 37-58, that the user input information stores in memory card 16; where the information can be loaded into section 54 and I/O card 15. It should be noted that the I/O function information

corresponding to each type of the external devices where the function information is elected by CPU 23 so as to process image data of the camera into a proper format for transferring (column 7, lines 38-65). In other words, the image data is inherently processed by the external devices because when a new connection is made by a user, new I/O function information is used to process the image data into a proper format for transferring; and user input information is stored in memory card 16 and can be loaded to section 54 as soon as the card connects to card connection 17.

For the reasons, the rejections are repeated.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the

treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 43, 44, 45 and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukuoka (6,300,976).

With regard to claim 43, Fukuoka discloses in Fig. 1-6, a digital image capture device that comprises the digital camera having a function for transaction of image data with an external image forming apparatus in accordance with picture information (digital camera 30 can perform transactions between camera 30 and external devices such as printers or computers via I/O card 15, col. 2, line 49 and col. 7, lines 15- 65; where image data is processed in accordance with I/O function information of the external devices, col. 7, lines 38- 65), comprising a picture information input means for receiving a user input picture information regarding conversion of image data from the camera to produce a desired image via the external image forming apparatus (operating portion 21 working in combination with CPU 23 to select appropriate I/O functions of the external devices so as to transmit image data to the external devices, col. 7,

lines 38- 65; where memory card 16 contains user input information which can be loaded into the section 54 of CPU 23, col. 6, lines 38-56 and col. 7, lines 37-58, picture information memory means for storing therein the input picture information (control program storing area 51, col. 7, line 42), a converting/sending means for converting image a to be sent to said external image forming apparatus to image data adapted to said image forming apparatus according to the picture information stored in said picture information memory means, and sending the converted image data to said external image forming apparatus to enable the apparatus to form the desired image (CPU 23 converts and sends image data in accordance with I/O data that requires for each external device, col. 7, lines 47- 65).

With regard to claim 44, claim 44 recites what was previously discussed with respect to claim 43.

With regard to claims 45 and 46, furthermore, Fukuoka discloses the picture information comprises information regarding one or more of: form size, image orientation, image resolution, image magnification, and an offset value (offset values such as exposure, white balance can be changed by the CPU, col. 11, lines 20-28, lines 50-65 and col. 12, lines 11-31).

4. This office action is not made final since there are new grounds of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan Ho whose telephone number is (571) 272-7365. The examiner can normally be reached on Mon-Fri 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access

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call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



TUAN HO
PRIMARY EXAMINER